



2005 SENATE BILL 445

November 21, 2005 – Introduced by Senators HARSDORF and A. LASEE, cosponsored by Representatives OTT, HINES, MUSSER, HAHN, PETROWSKI, LEMAHIEU, BIES, WOOD and GUNDERSON. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

1 **AN ACT to amend** 59.70 (22) and 60.23 (29); and **to create** 66.0412 of the statutes;
2 **relating to:** prohibiting local governmental restrictions on certain business
3 signs.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county (political subdivision) may enact ordinances that regulate the maintenance and construction of billboards on premises abutting on highways maintained by the political subdivision in order to promote the safety of public travel on such highways. Cities and villages have the authority to enact such ordinances under their home rule power, while towns and counties have specific statutory authorization to enact such ordinances. Also under current law, a county billboard ordinance may not apply within cities, villages, and towns that have enacted ordinances regulating the same subject matter.

Under this bill, no political subdivision may enact a new ordinance, or enforce an existing ordinance, that prohibits a direct farm marketer from placing signs at the person's sales locations if certain conditions are met. The conditions require the total area of the signs to be no more than 100 square feet, and require the signs to be no more than 12 feet high and no closer than 15 feet from a highway. The bill also prohibits the signs from being placed in a subdivision. A "direct farm marketer" is defined in the bill as a person who sells products, at least 90 percent of which are raised or grown by the person on the person's land from an immature stage and the remainder of the person's products are directly related to, or needed to utilize, the primary products.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.70 (22) of the statutes is amended to read:

2 59.70 (22) BILLBOARD REGULATION. ~~The~~ Subject to s. 66.0412, the board may
3 regulate, by ordinance, the maintenance and construction of billboards and other
4 similar structures on premises abutting on highways maintained by the county so
5 as to promote the safety of public travel thereon. Such ordinances shall not apply
6 within cities, villages and towns which have enacted ordinances regulating the same
7 subject matter.

8 **SECTION 2.** 60.23 (29) of the statutes is amended to read:

9 60.23 (29) BILLBOARD REGULATION. ~~Enact~~ Subject to s. 66.0412, enact and
10 enforce an ordinance, and provide a forfeiture for a violation of the ordinance, that
11 regulates the maintenance and construction of billboards and other similar
12 structures on premises abutting on highways in the town that are maintained by the
13 town or by the county in which the town is located so as to promote the safety of public
14 travel on the highways.

15 **SECTION 3.** 66.0412 of the statutes is created to read:

16 **66.0412 Regulation of signs. (1) DEFINITIONS.** In this section:

17 (a) “Direct farm marketer” means a person who sells products, at least 90
18 percent of which are grown or raised by the person on the person’s land from an
19 immature stage and whose remaining products are directly related to, or needed to
20 utilize, the primary products.

21 (b) “Highway” has the meaning given in s. 340.01 (22).

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1 (c) "Political subdivision" means a city, village, town, or county.

2 **(2) PLACEMENT OF SIGNS.** Subject to s. 84.30, no political subdivision may enact
3 an ordinance, or enforce an ordinance that is in existence on the effective date of this
4 subsection [revisor inserts date], that prohibits a direct farm marketer from
5 placing signs related to the products that the person sells at the person's sales
6 locations if all of the following apply:

7 (a) The total area of all of the signs, at each sales location, does not exceed 100
8 square feet.

9 (b) The signs are self-supporting.

10 (c) No sign exceeds 12 feet in height.

11 (d) Each sign is at least 15 feet from any highway.

12 (e) No sign is placed in a subdivision.

13 **(END)**